

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

Cassie Green a.k.a
Cassie Hayes- McDonald,

Plaintiff,

vs.

Americollect, Inc.,

Defendant.

Case No.: 4:20-cv-01096-SRC

SECOND AMENDED COMPLAINT

JURY TRIAL DEMAND

NOW COMES THE PLAINTIFF, CASSIE GREEN a.k.a. CASSIE HAYES-MCDONALD, BY AND THROUGH COUNSEL, Andrew M. Esselman, pursuant to this Court granting leave to file an amended complaint (Doc #86), attaches the Second Amended Complaint with all changes tracked for comparison (Exhibit 1), and for her Second Amended Complaint against the Defendant, pleads as follows:

JURISDICTION

1. This is an action for damages, brought against a debt collector for violating the Fair Debt Collection Practices Act at 15 U.S.C. § 1692 et seq. ("FDCPA").

VENUE

1 2. The transactions and occurrences that give rise to this action occurred in the City
2 of Black Jack, St. Louis County, Missouri.

3
4 3. Venue is proper in the Eastern District of Missouri, Eastern Division.

5 **PARTIES**

6 4. Plaintiff is a natural person residing in City of Black Jack, St. Louis County,
7 Missouri.

8
9 5. The Defendant to this lawsuit is:

10 a. Americollect, Inc. ("Americollect") is a foreign corporation that conducts
11 business in the State of Missouri.
12

13
14 **GENERAL ALLEGATIONS**

15 6. Americollect ("Furnisher") is inaccurately reporting its Tradeline ("Errant
16 Tradeline") with an erroneous notation of "account in dispute" on Plaintiff's
17 Equifax and Trans Union credit files.
18

19 7. Specifically, Americollect is inaccurately reporting its tradeline with an
20 erroneous notation of "account in dispute" on Plaintiff's Equifax credit file.
21

22 8. Plaintiff no longer disputes the Errant Tradeline.
23

24 9. On February 17, 2020, Plaintiff obtained her Equifax credit disclosure and
25 noticed the Americollect Errant Tradeline reporting with a dispute notation.
26
27
28

1 10. On or about March 24, 2020, Plaintiff submitted a letter to Equifax informing
2 Equifax that the Errant Tradeline is inaccurate and requesting that Equifax
3 remove the dispute notation.
4

5 11. Equifax forwarded Plaintiff's consumer dispute to Americollect and
6 Americollect received Plaintiff's consumer dispute from Equifax.
7

8 12. Plaintiff had not received Equifax's investigation results. Therefore, on May 6,
9 2020, Plaintiff obtained her Equifax's credit disclosure, which showed that
10 Americollect last reported its Errant Tradeline reflected by the Equifax Credit
11 disclosure on April 27, 2020, after receipt of Plaintiff's letter, and that Equifax
12 and Americollect failed or refused to remove the notation of "accounts in dispute"
13 from the Errant Tradeline, in violation of the FDCPA. (Exhibit 2.)
14

15 13. Defendants' failure to remove the erroneous dispute notation makes the
16 tradeline false and misleading to any user of the credit report. It also damages
17 the Plaintiff by preventing her from obtaining any mortgage loan or refinancing
18 of the same as no conventional lender will grant a mortgage based on any credit
19 report that has any tradeline or other item flagged as disputed.
20
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23 14. Americollect had ample time to instruct Equifax to remove the dispute notation.
24

25 15. Plaintiff suffered pecuniary and emotional damages as a result of Defendant
26 Americollect's actions. Her credit report continues to be damaged due to
27 Defendant Americollect's failure to properly report the Errant Tradeline.
28

**VIOLATION OF THE FAIR DEBT COLLECTION PRACTICES ACT BY
AMERICOLLECT**

16. Plaintiff reincorporates the above paragraphs as if recited verbatim.

17. At all relevant times Defendant, Americollect, in the ordinary course of its business, regularly engaged in the practice of collecting debts on behalf of other individuals or entities.

18. Plaintiff is a "consumer" for purposes of the FDCPA and the account at issue in this case is a consumer debt.

19. Defendant, Americollect is a "debt collector" under the Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. §1692a(6).

20. Defendant Americollect's foregoing acts in attempting to collect this alleged debt violated the following provisions of the FDCPA:

- a. 15 U.S.C. §1692e(2)(A) by falsely representing the character, amount, or legal status of any debt by continuing to report the collection item with a dispute comment after informed of the inaccuracy; and
- b. 15 U.S.C. §1692e(8) by reporting credit information which is known to be false, including failure to communicate that the debt is not disputed by failing to remove the inaccurate dispute comment from the Errant Tradeline after being asked to do so by Plaintiff.

21. To date, and as a direct and proximate cause of the Americollect's failure to honor its statutory obligations under the FDCPA, the Plaintiff has continued to

1 suffer anxiety, embarrassment, humiliation, and stress from a degraded credit
2 report and credit score. Americollect has willfully continued to report false
3 information on the Plaintiff's credit report.
4

5 22. Plaintiff suffered harm and damages at the hands of Americollect as this harm
6 was one that was specifically identified and intended to be protected against on
7 behalf of a consumer, such as the Plaintiff, by Congress.
8

9 23. Americollect's failure to remove the inaccurate dispute comment from the
10 collection item in Plaintiff's credit file is annoying, embarrassing, and
11 humiliating to the Plaintiff as it creates a false impression regarding her credit.
12

13 24. Plaintiff has suffered economic, emotional, general and statutory damages as a
14 result of these violations of the FDCPA.
15

16
17 **WHEREFORE, PLAINTIFF PRAYS** that this court grant her a judgment
18 against Americollect for statutory damages, actual damages, punitive damages,
19 statutory costs, interest, and attorneys' fees as provided by the Fair Debt Collection
20 Practices Act.
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23 **JURY DEMAND**

24 Plaintiff hereby demands a trial by Jury.
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26 DATED: August 2, 2021
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